



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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2/26/23

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BOARD OF PATENT APPEALS
AND INTERFERENCES

re application of

Anthony J. KONECNI ET AL.

Serial No. 08/988,686 (TI-22166)

Filed December 11, 1997

For: PLASMA PRE-TREATMENT TO REMOVE RESIDUES FORMED IN A VIALS

Art Unit 2823

Examiner M. Wilczewski

Customer No. 23494

Director of the United States
Patent and Trademark Office
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5-12-04

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Jay M. Cantor, Reg. No. 19,906

REPLY BRIEF TO SUPPLEMENTAL EXAMINER'S ANSWER

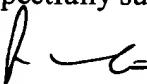
In reply to the Supplemental Examiner's Answer, to clarify the record, while the undersigned is unaware of any conversation between the Examiner and Mr. Jim Brady or what may have been stated during such conversation, the record should show that the undersigned had his offices in Washington, D. C. during the period in question and the file to which Mr. Brady referred was located in Dallas, Texas. The undersigned did receive a copy of the translation mailed November 19, 2002 and received in Texas on November 26, 2002 at a still later date.

However, and of greater importance, is the fact that the translation was mailed to Appellants on November 19, 2002. The record clearly shows that this date was even subsequent to the filing of the Reply Brief which was filed September 4, 2002. It follows that the translation is not of record in this appeal and that, in order for the translation to be of record, it is necessary that Examiner withdraw the final rejection and make the translation of record in proper manner, no such action having been taken by the Examiner. On the present record, the translation has never been applied during prosecution, has never been considered by counsel for appellants and will not be considered until properly made of record.

In view of the above, it is clear, as stated in the REMAND on page 2, second full paragraph, it is clear "that appellants were not given the opportunity to respond to the contents of the full translation.... Hence, we do not have a proper basis for our review at this point in time". This is still the case unless review is to be made without reference to the translation.

In view of the above, reversal of the final rejection is still requested on the basis of the arguments previously presented or remand to the Examiner with reopening of prosecution should the Board consider to translation to be more relevant than the Abstract.

Respectfully submitted,



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